

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

COLEEN BURNS,
Debtor,

:
:

**Chapter 13
Case No. 5:19-bk-01419-RNO**

DM MANAGEMENT, LLC
Creditor,

:
:

**Claim Objection Resolution and
Relief from Stay**

v.

COLEEN BURNS,
Debtor

:
:

**JOINT STIPULATION TO RESOLVE PROOF OF CLAIM OBJECTION AND GRANT
RELIEF FROM STAY**

WHEREAS, Creditor, DM Management, LLC (DMM) filed Proof of Claim No. 25 asserting therein a total claim of about \$235,839.00 and contending the claim was secured by virtue of “mortgages & judgments” concerning real estate at 11 Riverside Drive, Wilkes Barre and 649 S Main Street, Wilkes Barre owned by 649 S Main, LLC;

WHEREAS, Debtor filed the pending Objections to DMM’s Proof of Claim (doc no 104);

WHEREAS, pre-petition disputed litigation concerning the Real Estate is pending in Luzerne County;

WHEREAS, Creditor’s state law claims and Creditor’s Proof of Claim are hereinafter referred to as Creditor’s Claims;

WHEREAS, Creditor and Debtor after much discussion desire to fully and finally resolve their differences and disputes concerning the Creditor’s Claims; and,

WHEREAS, Creditor and Debtor, with the intention of being legally bound, subject to Court Approval, submit this Stipulation to Resolve their respective disputes and Creditor’s Claims and entitlement to possession of the collateral.

Creditor and Debtor Agree and Stipulate as follows:

1. The WHEREAS clauses set forth above are incorporated herein as if set forth at length.
2. It is agreed and stipulated, upon Court approval of this Stipulation, Creditor shall be granted in rem relief from stay to proceed in state court against the 11 Riverside Drive real estate and 649 S Main Street, subject to the forbearance agreement set forth below.
3. DMM agrees to forbear and not proceed in state court, provided Debtor pays or causes DMM to be paid 225,000.00 within 60 days of the order approving this stipulation. Said payment shall constitute a full and final resolution and settlement of all the Creditor Claims and of any other claims the Creditor may have against Debtor or 649 S Main, LLC (i.e. additional third party/collateral) or the property of Debtor or 649 S Main, LLC.
4. A facsimile signature and a signature transmitted by email shall be considered an original signature on this Stipulation.
5. The hearing on the Proof of Claim Objection shall be continued pending Court approval of this Stipulation.

THEREFORE, Creditor and Debtor, jointly request that, this Honorable Court enter an Order approving this Stipulation to Resolve Proof of Claim Objection and Grant Relief From Stay, adopt this Stipulation as an Order of Court and retaining jurisdiction over this Stipulation, and for such other and further relief as the Honorable Court deems just and appropriate.

COLEEN BURNS

DM MANAGEMENT, LLC

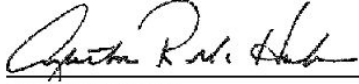
By: /s/ Kevin M Walsh_____
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By: /s/ Donald H. Hess_____
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Dated: __5-4-2021__

Dated: __5-4-2021__

The undersigned consent to the form and entry of this order:

A handwritten signature in black ink, appearing to read "Agatha McHale", is written over a horizontal line.

Agatha McHale, Esq.

For Jack N. Zaharopoulos
Chapter 13 Trustee

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

COLEEN BURNS,
Debtor,

: **Chapter 13**
: **Case No. 5:19-bk-01419-RNO**

PATRICK PAWLICZEK,
Creditor,

v.

COLEEN BURNS,
Respondent

:
: **Claim Resolution and**
: **Relief from Stay**
:
:

ORDER APPROVING

**JOINT STIPULATION TO RESOLVE PROOF OF CLAIM OBJECTION AND GRANT
RELIEF FROM STAY**

AND NOW, upon consideration of the **Joint Stipulation to Resolve Proof of Claim Objection and Grant Relief From Stay** by and between Creditor, DM Management, LLC and Debtor, COLEEN BURNS, it is hereby ORDERED that the **Stipulation to Resolve Proof of Claim Objection and Grant Relief From Stay** be and is hereby APPROVED and ADOPTED as an ORDER of this Court.